



1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**

8 UNITED STATES OF AMERICA,)
9)

10 Plaintiff,)

CASE NO. 11-847M

11 v.)

12 ORDER OF DETENTION

13 OWUSU ANANEH FIREMPONG,)

14 Defendant.)
15

16 I.

17 A. () On motion of the Government in a case allegedly involving:

18 1. () a crime of violence.

19 2. () an offense with maximum sentence of life imprisonment or death.

20 3. () a narcotics or controlled substance offense with maximum sentence
21 of ten or more years .

22 4. () any felony - where the defendant has been convicted of two or more
23 prior offenses described above.

24 5. () any felony that is not otherwise a crime of violence that involves a
25 minor victim, or possession or use of a firearm or destructive device
26 or any other dangerous weapon, or a failure to register under 18
27 U.S.C § 2250.

28 B. (✓) On motion by the Government / () on Court's own motion, in a case

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

allegedly involving:

- (✓) On the further allegation by the Government of:
- 1. (✓) a serious risk that the defendant will flee.
 - 2. () a serious risk that the defendant will:
 - a. () obstruct or attempt to obstruct justice.
 - b. () threaten, injure, or intimidate a prospective witness or juror or attempt to do so.
- C. The Government () is/ (✓) is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety of any person or the community.

II.

- A. (✓) The Court finds that no condition or combination of conditions will reasonably assure:
- 1. (✓) the appearance of the defendant as required.
 - () and/or
 - 2. () the safety of any person or the community.
- B. () The Court finds that the defendant has not rebutted by sufficient evidence to the contrary the presumption provided by statute.

III.

- The Court has considered:
- A. the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
 - B. the weight of evidence against the defendant;
 - C. the history and characteristics of the defendant; and
 - D. the nature and seriousness of the danger to any person or to the community.

1 IV.

2 The Court also has considered all the evidence adduced at the hearing and the
3 arguments and/or statements of counsel, and the Pretrial Services
4 Report/recommendation.

5
6 V.

7 The Court bases the foregoing finding(s) on the following:

8 A. (✓) As to flight risk: Defendant proffered no bail resources, other than an
9 unsecured appearance bond posted by himself. That is not viable
10 here. Given the record in this matter, including Defendant's recent
11 and serious conviction in another federal matter pending in Michigan
12 and the allegations of the indictment in this action now (including the
13 alleged amount of monetary loss), the Court is not convinced that
14 Defendant's risk of non-appearance can be reasonably mitigated
15 without, at a minimum, some sureties. Defendant's "personal choice"
16 not to trouble his family and friends with his legal troubles is an
17 unsatisfying explanation. In addition, Defendant's other background
18 information – such as conducting a 15-year obesity study on himself
19 funded by his "friends" and his spending habits during the period at
20 issue – lends some pause about his credibility overall. Further,
21 Defendant's ties to a foreign country, including foreign travel
22 experience, are somewhat concerning. All things considered, at this
23 juncture, Defendant poses an unmitigated flight risk.

24 B. () As to danger:

25 VI.

26 A. () The Court finds that a serious risk exists that the defendant will:

27 1. () obstruct or attempt to obstruct justice.

28 2. () attempt to/ () threaten, injure or intimidate a witness or juror.

1
2 B. The Court bases the foregoing finding(s) on the following: _____
3
4
5
6
7
8
9

10 VII.
11

12 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

13 B. IT IS FURTHER ORDERED that the defendant be committed to the
14 custody of the Attorney General for confinement in a corrections facility
15 separate, to the extent practicable, from persons awaiting or serving
16 sentences or being held in custody pending appeal.

17 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
18 opportunity for private consultation with counsel.

19 D. IT IS FURTHER ORDERED that, on order of a Court of the United States
20 or on request of any attorney for the Government, the person in charge of
21 the corrections facility in which the defendant is confined deliver the
22 defendant to a United States marshal for the purpose of an appearance in
23 connection with a court proceeding.
24

25 DATED: September 7, 2011

26 
HONORABLE JAY C. GANDHI
27 UNITED STATES MAGISTRATE JUDGE
28